

REMARKS

Reconsideration and allowance are respectfully requested in view of the foregoing amendments and the following remarks. Claims 1 and 3-17 have been amended to clarify the recited subject matter and correct grammatical inconsistencies. Claim 2 has been cancelled without prejudice or disclaimer to the subject matter contained therein. Upon entry of this Amendment, claims 1 and 3-19 will remain pending.

I. Specification

The Examiner objected to the disclosure because “it contains an embedded hyperlink and/or other form of browser-executable code.” Applicant respectfully submits that the web addresses printed in the disclosure (see, e.g., page 17, line 22) are examples of short messages that are not intended to act as links. Applicant respectfully requests that the Patent Office disable hyperlinks when the application is provided electronically for reading online.

II. Claim Rejections – 35 U.S.C. § 112

The Examiner objected to claims 5, 6, 7, and 15 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention.

With respect to claims 5, 6, and 7, Applicant has amended the claim language to recite “a location” when the term “location” is first introduced. Applicant submits that the term “location” is not indefinite, and directs the Examiner’s attention to page 8, line 26 to page 9, line 3 of the Specification, which pertains to physical location. With respect to claim 15, Applicant has deleted the limitation “on which substantially all functions of the server are concentrated.” Accordingly, Applicant respectfully submits that the Examiner’s indefiniteness rejections are overcome.

III. Claim Rejections – 35 U.S.C. § 102

The Examiner rejected claims 1, 2, 6-8, 13, 15, 17, and 18 under 35 U.S.C. § 102(e) as being anticipated by Doviak et al. (U.S. Patent No. 5,717,735; “Doviak”). Applicant traverses the rejection because Doviak fails to teach or suggest all the features of the rejected claims.

Doviak discloses an apparatus and method for transparent communication between a wireless remote or mobile device and a fixed wired communication host network. A remote network controller 20 logically resides on the wired communication network 10 and acts as a protocol-appropriate communications controller, such that remote devices are indistinguishable to the host network from the locally-attached devices. (Abstract; col. 6, lines 26-29; Fig. 1.)

In contrast to the claimed invention, Doviak does not teach or suggest a method for establishing a data connection, wherein, inter alia:

the terminals of the mobile communications system are classified into at least two different classes on the basis of at least one predetermined criterion, wherein the at least one predetermined criterion includes a criterion determined on the basis of the content of a message from a respective terminal among the terminals, and

the protocol to be used with respect to the terminal is selected on the basis of the class of the terminal in question.

To the contrary, Doviak discloses a technique involving only one class of mobile devices (“remote devices 52”). In Doviak, local devices and mobile devices use different protocols, but all mobile devices use the same protocol. The mobile data controller 54 interfaces the remote devices 52 with the radio infrastructure 56 using asynchronous serial data transfer. (Col. 7, lines 61-67; Figs. 1 & 2.) In other words, the remote devices 52 of Doviak are not classified into at least two different classes; there is no predetermined criterion determined on the basis of the content of a message; and no protocol is selected based on the class of a terminal in question.

For at least the above reasons, Applicant respectfully submits that Doviak does not teach all the features of claim 1, and that claim 1 is thus not anticipated by Doviak. Claim 8 recites similar features to those recited by claim 1 and is patentable for at least the reasons supporting patentability of claim 1. Claims 6, 7, 13, 15, 17, and 18 are patentable by virtue of their dependency from claims 1 or 8 and on the basis of the additional features recited therein.

IV. Claim Rejections – 35 U.S.C. § 103

The Examiner rejected claims 3 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Doviak in view of Demery et al. (WO 97/01940; “Demery”), and claim 16 under 35 U.S.C. § 103(a) as being unpatentable over Doviak in view of Pepe et al. (U.S.

Patent No. 5,742,668; “Pepe”). Applicant traverses the rejections because the references, taken alone or in combination, fail to teach or suggest all the features of the rejected claims.

Claims 3, 14, and 16 respectively depend from patentable claims 1 or 8. As described above, Doviak does not teach or suggest all the features of claims 1 and 8. Neither Demery nor Pepe remedies the deficiencies of Doviak with respect to claims 1 and 8. In particular, neither Demery nor Pepe discloses, inter alia, that “the terminals of the mobile communications system are classified into at least two different classes on the basis of at least one predetermined criterion, wherein the at least one predetermined criterion includes a criterion determined on the basis of the content of a message from a respective terminal among the terminals,” or that “the protocol to be used with respect to the terminal is selected on the basis of the class of the terminal in question.” Accordingly, claims 3, 14, and 16 are patentable over the cited references by virtue of their dependency on claims 1 or 8, and on the basis of additional features recited therein.

V. Allowable Subject Matter

The Examiner indicated that claims 4, 9, 10, 11, 12, and 19 would be allowable if rewritten in independent form. For at least the above reasons, Applicant submits that these claims, which respectively depend from patentable claims 1 or 8, are allowable as dependent claims. As such, Applicant has not rewritten these claims in independent form.

VI. Conclusion

All rejections and objections have been addressed. It is respectfully submitted that the present application is now in condition for allowance, and a notice to that effect is earnestly solicited. Should there be any questions or concerns regarding this application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

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Respectfully submitted,

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